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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL HOLTSINGER,

12 Plaintiff,

13 vs.

No. CIV S-03-0732 MCE CMK P

14 J. M. BRIDDLE, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff, a state prisoner who is represented by retained counsel, is proceeding
18 with a civil rights action under 42 U.S.C. § 1983. On January 22, 2007, plaintiff filed several
19 documents with the court: (1) A Substitution of Counsel; (2) Motion for Extension of Time; (3)
20 Request for Extension of Time to Serve Defendants Knight and Nolan; (4) Request for an Entry
21 of Default on Defendant Tanya Knight; and (5) Motion for Judgement against Defendant Knight.
22 (Docs. 164-168.)

23 From plaintiff's filings it is clear that his attorney seeks to withdraw from the case
24 and has sent plaintiff a substitution of counsel document for his signature. It is equally apparent
25 that plaintiff is unhappy with his attorney's decision. In any case, no proper motion for
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substitution of attorney has been filed¹, and, as such, plaintiff is still represented by counsel in this matter.² Accordingly, plaintiff should not be filing documents with the court pro se.

The court will deny the following motions without prejudice to renewal after plaintiff or his attorney of record has submitted a proper request for substitution of counsel: Motion for Extension of Time; Request for Extension of Time to Serve Defendants Knight and Nolan; Request for an Entry of Default on Defendant Tanya Knight; and Motion for Judgement against Defendant Knight.


IT IS ORDERED that:

1. The following motions/requests are denied without prejudice to renewal after plaintiff and/or his attorney of record submit a proper motion for substitution of counsel: Motion for Extension of Time (doc. 165); Request for Extension of Time to Serve Defendants Knight and Nolan(doc 166);Request for an Entry of Default on Defendant Tanya Knight (doc. 167); and Motion for Judgement against Defendant Knight (doc. 168).

2. The Clerk of the Court is directed to serve a copy of this order on plaintiff at the following address:

Michael Holtsinger, J62569
P.O. Box 8457
Lancaster, CA 93539

DATED: January 24, 2007.


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

¹If plaintiff signed and submitted a copy of the "Substitution of Counsel" which he submitted with his "Substitution of Counsel" notice, this would be considered a proper substitution of counsel. However, by submitting such, plaintiff would be agreeing to substitute himself as counsel in this matter.

²The court notes that this is the case at the present time. This is in no way a reflection of how the court would approach a proper motion for substitution of counsel.